REMARKS/ARGUMENTS

Claims 1 and 7-25 are active. Claim 1 has been revised for clarity. Claims 7-16 break out limitations already in claim 1 and also find support on pages 1 and 5 of the specification. Claims 17-20 track prior claims 2-6. Support for various carriers, excipients and diluents in claim 20 is found at the bottom of page 20. New method claims 21-25 find support in the original claims, which previously recited intended use limitations, and on page 5 [0009], pages 15-20 [0056-0065]. Colon, lung, breast and prostate cancer cells are disclosed in the section bridging pages 19-20. Accordingly, the Applicants to not believe that any new matter has been added. Favorable consideration of this amendment and allowance of the case are respectfully requested.

Objection—Claims

Claims 2-6 were objected to as depending from a rejected base claim and claims 5-6 as being in improper form. These objections are now moot.

Rejection—35 U.S.C. §112, first paragraph

Claims 5-6 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate enablement. This rejection is moot in view of the cancellation of these claims. The pending product claims contain no intended use limitations therefore this rejection would not apply to them. No undue experimentation would have been required to practice the methods of new claims 21-25. Independent claim 21 is directed to a method for inhibiting the growth of tumor cells which is exemplified on pages 17-20. Test 2 starting on page 17 exemplifies the inhibition of human colon cancer cells showing the efficacy of two test compounds according to the invention as measured by T/C%. Furthermore, the section bridging pages 19-20 indicates that the compounds of the invention exhibited similar efficacies for treating a

representative number of other types of cancers including colon cancer cells, lung cancer cells, breast cancer cells and prostate cancer cells. Moreover, as disclosed near the bottom of page 2 substrate or parental compounds, which lack the enhanced antitumor activities of those of the invention, such as s-triazine derivatives were known to "exhibit cytotoxic and selective aromatase inhibitory activities" and other anti-tumor activities.

Thus, based on narrow breadth of the claims directed to a specific genus of compounds and claim 21 specifies a method for inhibiting the growth of a cancer cell, the nature of the invention, which comprises convention modes of contacting antitumor compounds with cancer cells, the state of the prior art as described above and on pages 1-3 of the specification, the high level of skill in the art, the amount of direction as well as actual exemplification of the claimed methods, no undue experimentation would have been required to practice the claimed methods.

Provisional Obviousness-type Double Patenting

Claims 1-3, 5 and 6 were provisionally rejected under the judicially-created doctrine of obviousness type double patenting over claims 6 and 15 of copending U.S. Application No. 11/847,593. This rejection is moot for claims 2-5 which have been cancelled.

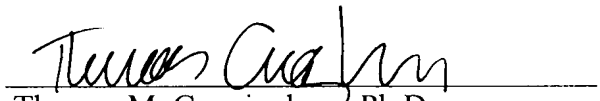
Independent claim 1 remains provisionally rejected, however, since the foregoing amendments and remarks place this application otherwise in condition for allowance, this provisional double patenting rejection may now be withdrawn because copending application has not yet been allowed, MPEP 804(I)(B). PAIR shows the status of copending U.S. Application 11/847,593 as "Non-Final Action Mailed" as of 11-05-2009.

Conclusion

This application presents allowable subject matter and the Examiner is respectfully requested to pass it to issue. The Examiner is kindly invited to contact the undersigned should a further discussion of the issues or claims be helpful.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.
Norman F. Oblon



Thomas M. Cunningham, Ph.D.
Registration No. 45,394

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)